



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRMANIANWrit Petition(MD)No.11287 of 2013andM.P(MD)Nos.1&2 of 2013

WEB COPY

N.Parameswaran

... Petitioner

Vs.

1.The District Collector,
Theni, Theni District.

2.The Revenue Divisional Officer,
Theni, Theni District.

3.Thasildar,
Andipatty,
Theni District.

4.Manimaran

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned patta No.2978 issued by the third respondent, dated 19.07.2012 and quash the same as illegal and consequently to make necessary mutations in revenue records within the period that may be stipulated by this Court.

For Petitioner

: Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents 1-3

: Mr.S.Kumar
Additional Government Pleader

For 4th Respondent

:Mr.R.Narayanan

ORDER

The prayer in the writ petition reads as follows:-

"The writ petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned patta No.2978 issued by the third respondent, dated 19.07.2012 and quash the same as illegal and consequently to make necessary mutations in revenue records within the period that may be stipulated by

2.The petitioner challenges the order of the third



respondent, dated 19.07.2012, in and by which, the patta was mutated in the name of the Government of Tamil Nadu. According to the petitioner, the land in question, originally, belonged to the fourth respondent who had gifted the same to the Government for construction of an Industrial Training Institute for women under a settlement deed dated 02.09.2004. Since the Industrial Training Institute for women was not established in the said village, namely, Vallal Nathi Village, the fourth respondent appears to have made a representation to the Government for cancellation of the settlement deed dated 02.09.2004. It also appears from the record that the third respondent namely, the Tahsildar had by his proceedings dated 05.01.2011 recommended cancellation of the said settlement deed. Without waiting any further proceedings, the fourth respondent had gone ahead and cancelled the settlement deed by way of unilateral cancellation deed dated 22.02.2011. After the said cancellation, the fourth respondent has sold the property to an extent of 1.94 acres of land to one Selvam and 1.2 acres of land to one Murugesan. The petitioner claims to have purchased the said 1.94 acres of land from the said Selvam on 14.09.2011. In this background, the petitioner seeks to quash the patta dated 19.07.2012 in patta No.2978 issued by the third respondent in the name of the Government of Tamil Nadu and effect consequential mutations in the revenue record pursuant to the sale deed in his favour. A subsequent development that had taken place namely, the petitioner and the fourth respondent had entered two documents which are bilateral wherein the sale deeds executed by the said Selvam in favour of the petitioner dated 14.09.2011 were cancelled. The validity of the said cancellation or otherwise is not raised as an issue in this writ petition.

3.The law relating to unilateral cancellation has been settled by the Full Bench of this Court in **M/s.Latif Estate Line India Ltd., Vs.Hadeeja Ammal (2011) 2 MLJ 569** wherein it has been held that the unilateral cancellation is invalid. It is crystal clear that the deed of cancellation said to have been executed by the fourth respondent on 22.02.2011 is void *ab initio*. Therefore, the Tahsildar, the third respondent herein was right in not effecting mutation in the name of the petitioner but incorporating the name of the Government as the owner of the land in question. Therefore, I do not see any reason to interfere with the action of the third respondent. Hence, the writ petition fails and the same is dismissed. Needless to mention that all the subsequent transactions relying upon the impugned cancellation deed dated 22.02.2011 will also stand annulled. No costs. Consequently, M.P (MD) Nos.1 and 2 of 2013 are closed.

Sd/-

Assistant Registrar

/True Copy/



To

1.The District Collector,
Theni,
Theni District.

2.The Revenue Divisional Officer,
Theni,
Theni District.

3.Tha Thasildar,
Andipatty,
Theni District.

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.16197
+1cc to M/s. R.NARAYANAN Advocate in SR. No.15880
+1cc to AJMAL ASSOCIATES in SR. No.16069

SMS/VG

JS/SV/MMS/4/04/2014/3P-7C

Writ Petition (MD) No.11287 of 2013
and
M.P (MD) No.1&2 of 2013
20.03.2017